



## PLANNING COMMISSION

### MINUTES

April 8, 2009

7:30 P.M.

CITY OF FREDERICKSBURG  
715 PRINCESS ANNE STREET  
COUNCIL CHAMBERS

#### COMMISSION MEMBERS

Edward Whelan, III, Chair  
Roy McAfee, Vice-Chair  
Dr. Roy Gratz, Secretary  
Vic Ramoneda  
Ricardo Rigual  
Susan Spears

#### CITY STAFF

Ray Ocel, Director of Planning  
Debra M. Ward, Zoning Officer

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#### 1. CALL TO ORDER

The April 8, 2009 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Ed Whelan who explained the standard meeting procedures.

#### 2. PLEDGE OF ALLEGIANCE

#### UNFINISHED BUSINESS/ACTION ITEMS

3. **SUB2009-03: Plat of Subdivision: Sun Hotel Inc.** - Proposed three parcel subdivision of 2310 Plank Road located on a 5.057 acre parcel. The first parcel, Parcel A-1 is an assembly use building (Carlos O'Kelly's) located on 0.855 acres at 2306 Plank Road. The second parcel, Parcel A-2 is a hotel (Quality Inn) located on 3.433 acres at 2310 Plank Road. The third parcel, Parcel A-3 is an assembly use building (Vinny's) located on 0.769 acres at 2312 Plank Road. All three parcels are Zoned C-H and located on Tax Map 290-A-2310.

Mr. Utt, B&DS, was not in attendance at the meeting so Mr. Ocel read over Mr. Utt's staff report on his behalf.

Dr. Gratz asked for clarification of the lines that delineate where the three parcels would be divided.

There was no public comment on this item.

4. **SUB2009-04: Plat of Subdivision: Kensington Hills, Section Two** - Proposed five lot single family residential cluster subdivision to be located on a 5.6920 acre parcel located on Notting Way off Lafayette Boulevard adjacent to the Kensington Hill (Section One) Subdivision. The property is Zoned R-4 and is located on Tax Map 320-C-PB.

Mr. Ocel presented the staff report on behalf of Mr. Utt of B&DS.

There were no commissioner comments and no public comment on this item

- 5. SUP2009-04: Blossman Propane & Gas** - Special Use Permit request to operate a propane and distribution site at the property addressed as 309 Lansdowne Road. The property contains approximately 5.959 acres and is zoned I-2, General Industrial. The property contains two vacant cinder block buildings. The property is designated as General Industrial on the Future Land Use Map found within the 2007 Comprehensive Plan.

Mr. Ocel said that this is a request by Blossman Propane and Gas to obtain re-approval of a special use permit previously approved on September 9, 2008 in order to operate a propane and distribution site at the property addressed as 309 Lansdowne Road. Condition 1 of the permit required the business to begin operating within six months of the date of the Council approval (March 9, 2009) and that date was not met, therefore, the applicant is seeking re-approval of the special use permit. The property contains approximately 5.959 acres and is zoned I-2, General Industrial. The property contains two vacant cinder block buildings and a tank and another block building that will most likely be demolished in the future according to the applicant.

All of the properties surrounding this site are also zoned industrial and are vacant. The CXS railroad tracks border the property to the west. Lansdowne Road is the southern municipal line separating the City from Spotsylvania County. Commercial and industrial uses are located in the County across Lansdowne Road.

At their meeting held on July 30, 2008, the Planning Commission, by a vote of 6-0, recommended approval of the special use permit with three conditions.

At the July 9<sup>th</sup> public hearing, the Commission did not receive any public comments in regard to this special use permit application. Commission members inquired about the previous rezoning application on an adjacent property (industrial to residential); the requirement of the Zoning Ordinance to pave the proposed parking lot and the maintenance requirements of the propane tanks. In regard to the maintenance question, the applicant stated that the valves and all moving parts on the tanks are inspected daily by their staff.

The applicant is also required to obtain a permit from the Fire Department to operate the propane business as required by the Fire Code. In order to maintain the permit from year to year, the Fire Marshal must inspect the property and all equipment on a yearly basis and certify that it is in a safe operating condition. Furthermore, the Department of Transportation inspects all of the delivery vehicles on a yearly basis according to the Fire Marshal to insure the safety of the trucks as well as the businesses they are making deliveries to. Based upon the application and meeting with the applicant and their good track record operating in other locations, the Fire Marshall believes that the business will be operated safely and in a professional manner.

The applicant proposes to offer propane for sale to businesses, industrial uses, agricultural and residential uses from this site. Three delivery vehicles are proposed to deliver propane to the users noted above and a facility will be offered for onsite pick up. Three service vehicles will operate from the site and provide installation and maintenance services to the aforementioned clients. The facility is proposed to be operated Monday through Friday during the hours of 8:00 AM and 5:00 PM.

The six delivery and service vehicles will be parked on the property in an area directly behind the existing cinder-block building. The applicant proposes to make use of this existing concrete area so that additional impervious areas do not have to be added to the site.

The propane tanks will be located directly behind the above mentioned parking area. The tanks will be located in a gravel area as indicated on sheet 4 and these two 9' diameter propane tanks

that are 65' long will be installed in the middle of this area where they will be accessible to both the delivery trucks as well as for onsite pick up by customers. Concrete jersey barriers are proposed to be placed adjacent to the tanks for safety purposes. This area will be enclosed by an eight foot tall chain link fence for security purposes.

The existing cinderblock buildings on site will not be used as noted under the special notes title on sheet 2. In all likelihood, they will be demolished at a later date to make room for a retail and showroom according to the applicant.

The applicant estimates that traffic demand from this use will equate to approximately 25-35 vehicles per day. This includes the delivery vehicles and service vehicles as well as any customers visiting the site to fill personal propane tanks. An 18 wheel transport truck will visit the site once a week during the non-heating season and once a day during the heating season described as November to March.

Special use permits are evaluated utilizing the criteria contained within section 14-704 of the Zoning Ordinance and they include:

(a) The proposed special use at a specified location shall be:

- (1) In harmony with the adopted comprehensive plan;
- (2) In harmony with the purpose and intent of the zoning district regulations;
- (3) In harmony with the existing uses or planned uses of neighboring properties.

(b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

**(1) In harmony with the adopted comprehensive plan.**

The future land use map contained within the Comprehensive Plan designates this property as General Industrial. The surrounding properties are also designated the same way and lie within Planning Area 8-Mayfield/Fairgrounds. The Plan does not provide specific language or recommendations for this property although the application assists in meeting one of the recommendations for the planning area:

3. Continue to promote redevelopment activity. The re-use of the property in this manner will provide a service to the community, generate taxable income and make use of a vacant property until such time a higher and better use is proposed.

**(2) In harmony with the purpose and intent of the zoning district regulations.**

The intent section of the I-2 zoning district states that the I-2 district is established to provide for medium to heavy industrial land uses in areas of the city appropriate to adequately serve the physical, transportation access, and environmental impacts of such industrial development.

The proposed facility fits within the intent section of the I-2 district as it can be classified as an industrial land use. The property abuts Lansdowne Road and is adequately served by public utilities and has easy access to the surrounding road system.

The corresponding uses permitted by right and by special use permit are listed because they contribute towards meeting the intent of the district. A facility for the bulk storage of flammable materials is permitted in this industrial district because it was realized that such uses are needed

to serve the residents of the City and surrounding areas. In addition, the property is located in an area where there are no abutting residential property owners so as to limit incompatible uses.

**(3) In harmony with the existing uses or planned uses of neighboring properties.**

The area along Lansdowne Road where the facility is proposed contains various commercial and industrial uses and this use will not be incompatible with those uses. Most of those uses are located on the opposite side of Lansdowne Road in the County. Staff is unaware of any additional proposed development in the area.

**(b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.**

The development of the property for the proposed facility is shown on sheet 4 of 4 contained within the attached set of plans. This sheet shows the location of storage tanks as well as the parking area for the service vehicles. There are no residences in close proximity to the facility as the closest residences are located to the north in the Mayfield and Canterbury neighborhoods. If approved and developed in this manner, the property will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof. On the other hand, it will provide additional activity in the area; improve an underutilized property and expand the tax base.

Regarding the required maintenance of the propane tanks the Fire Marshall stated that the valves and any moving parts on the tanks are inspected daily by the applicant's staff and on a yearly basis by the City's Fire Marshall. In addition, the Department of Transportation inspects the delivery vehicles on a yearly basis according to the Fire Marshall.

Based upon the application meeting the criteria noted above staff recommends approval of the special use permit and the following conditions are recommended:

1. That the proposed use shall commence business within six months of the date of the adoption of the City Council Resolution.
2. That the proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
3. That the development of the property be in substantial accord with the Generalized Development Plan prepared by SDI dated 10/27/08.

Mr. Rigual noted that staff had suggested this company has a good track record and asked the location of their other facilities. Also, he asked Mr. Ocel what he meant in his last sentence, under "in harmony with the adopted comprehensive plan."

Mr. Ocel said the applicants are making the best use of the property as it stands in its current state but that a higher or better use could happen in the future.

Mr. Bob Marlow, Branch Manager, Blossman Propane, addressed Mr. Rigual's question regarding the location of their other facilities. He said they have a retail location off of Plank Road, a terminal in Milford, and seven other locations in Virginia, as well as locations throughout the United States.

There was no public comment.

6. **SUP2009-05: Ephesus Marble and Granite - Special Use Permit request in order to erect a free standing sign at the property located at 2001 Lafayette Boulevard. The property is zoned CT, Commercial Transitional which requires a special use permit in order to erect a free standing sign. The property is designated as Transitional/Office on the Future Land Use Map found within the 2007 Comprehensive Plan.**

Ms. Debra Ward, Zoning Officer, presented the application. She said that Division 3, Section 78-81 of the Zoning Ordinance permits freestanding signs in the Commercial Transitional (CT) District only by Special Use Permit. Ephesus Marble and Granite has submitted an application to permit a previously erected freestanding sign to provide identification for the business located at 2001 Lafayette Boulevard.

The applicant's property is situated on the east side of Lafayette Boulevard, between Morningside Drive and Hillcrest Drive. As shown on Attachment 1 this east portion of Lafayette Boulevard is zoned CT. East of 2001 Lafayette Boulevard are one-story apartment units with associated parking.

Special use permits for signs in the CT district are evaluated utilizing the criteria contained within Section 78-81(3)(h) of the Zoning Ordinance and they include:

1. **Be low-profile, monument-type signs whose design, material, colors and lettering are compatible and harmonize with the main building on the site;**

The proposed sign has a white background with blue logo and black lettering and will be compatible with the white cottage style building.

2. **Be set back at least ten feet from all property lines and located in a manner that shall not cause a pedestrian or vehicular traffic hazard;**

The low profile sign will be setback 16 feet from the front property line.

3. **Not exceed 30 square feet of signage area if identifying one or two businesses on the site, or 40 feet if identifying more than two businesses on the site;**

The sign is 5.5 feet wide by 5 feet tall, including supports, or 27.5 square feet.

4. **Not exceed five feet in height above ground level;**

The proposed sign is 5' in total height from ground level.

5. **Only be illuminated by ground lights, directed solely at the sign in a manner that does not illuminate surrounding areas, or by low-wattage internal lighting; and**

The sign is not illuminated.

6. **Be appropriately landscaped with shrubs and/or plants.**

The submitted sign plan does not include landscape plans, however all freestanding signs in the City are required to be landscaped around the foundation of the sign and this plan will be provided with the sign permit application.

This application meets all of the above requirements. Staff recommends approval of the Special Use Permit by the Planning Commission with the following conditions:

- That the applicant be required to provide plantings of an appropriate nature to provide year round visual interest. Plantings shall be installed within 30

days of erecting the sign, or as soon as feasible thereafter, given the time of the year.

There were no Commissioner comments and no public comment on this item.

7. **SUP2009-06: Gregory and Hyow Harding** - Special Use Permit request in order to construct an addition to the restaurant located at 1612 Caroline Street. The owner proposes to construct an addition to the Olde Towne Steak and Seafood Restaurant in order to provide additional seating and a bar area. The property is zoned CT, Commercial Transitional and is designated as Transitional/Office on the Future Land Use Map found within the 2007 Comprehensive Plan. *(This application goes along with Item 8 and were heard together).*
8. **SUP2009-07: Elmer Chilton** - Special Use Permit request in order to enter into a cooperative parking arrangement with the Olde Towne Steak and Seafood Restaurant located at 1612 Caroline Street. The subject property is addressed as 1615 Princess Anne Street. The owner requests permission to allow use of a portion of the parking lot by the neighboring Olde Towne Steak and Seafood Restaurant. The property is zoned CT, Commercial Transitional and is designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel said that Ms. Ward would review the aspects of the applications and that the public hearing on these items would remain open and be continued at the May 13<sup>th</sup> Planning Commission public hearing, to allow additional citizen comment.

Ms. Ward, Zoning Officer, said that this is a request by Gregory and Hyon Harding, owners of the Olde Towne Steak and Seafood restaurant, to obtain approval of:

1. A Special Use Permit (SUP) in order to construct an addition onto their existing restaurant; and
2. A SUP for off-site parking to meet parking requirements for additional restaurant seating and a bar area.

The property is zoned Commercial Transitional (CT) which permits eating establishments by Special Use Permit.

The property is located on the northeast side of Princess Anne Street and continues east to Caroline Street. The Olde Towne Steak and Seafood restaurant currently occupies 2927 square feet of area and has seating for 124 patrons.

The restaurant adjoins the rear of Anne's Grille, at 1607 Princess Anne Street, has a vacant lot on the west side, the Dinty Moore restaurant on the east side, and contains assorted commercial uses along with a dwelling on the south side. All the properties on the block containing the restaurant as well as the facing block are zoned CT.

The parking lot for the restaurant is accessed from Caroline Street and provides 26 parking spaces. Additional parking required for the restaurant addition will be addressed by a shared parking arrangement with the property owner to the west, Olde Towne Paint and Glass. This shared parking area requires the issuance of a second Special Use Permit.

Special Use Permits are evaluated utilizing the criteria contained within Section 78-994 of the Zoning Ordinance and those criteria include:

(a) The proposed special use at a specified location shall be:

- (1) In harmony with the adopted Comprehensive Plan;

(2) In harmony with the purpose and intent of the zoning district regulations;

(3) In harmony with the existing uses or planned uses of neighboring properties.

- (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

**Eating establishment in Commercial Transitional District**

**(a) (1) In harmony with the adopted Comprehensive Plan.**

The property lies within the City's Comprehensive Plan, Land Use Planning Area 6: Downtown Neighborhoods. As described in the Comprehensive Plan, Princess Anne Street is a key entryway into the City's historic district. The future land use map contained within the Comprehensive Plan designates this property as Transitional/Office. Page 132 of the Comprehensive Plan, regarding Land Use Planning Area 6 includes the following recommendation:

3. Work with property owners to redevelop selected sites without adversely impacting residential neighborhoods.

Chapter 5: Corridors of the Comprehensive Plan describe the geography of Fredericksburg as defined by its distinct, identifiable areas of activity, connected by a network of transportation corridors. In addition to serving the important transportation function, these corridors also represent major economic opportunities for the City. Focusing on land use and redevelopment within these corridors, with an emphasis on mixed-use patterns and attention to appearance, will help the City achieve its objectives.

**(a) (2) In harmony with the purpose and intent of the zoning district regulations.**

The CT district was established to provide for the location of predominantly non-retail commercial uses in a low intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher intensity uses.

**(a) (3) In harmony with the existing uses or planned uses of neighboring properties.**

The existing land uses surrounding the site include both commercial businesses and some residential in the form of single-family dwellings and upper floor apartments. Since the restaurant is already established, the addition is expected to have little or no impact on neighboring properties.

- (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

The adoption of the Princess Anne Street Gateway Corridor Overlay District, in 2007, provides the guidelines for redevelopment of the subject site. The addition to the restaurant will extend the building frontage along Princess Anne Street so as to match the appearance of the neighboring building, creating a more uniform street-front appearance for both businesses.

The hours of operation for the restaurant are Tuesday through Saturday, 4 pm until 9 pm and Sunday 4 pm until 9 pm. The addition enlarges the seating for the restaurant and adds to the number of vehicle trips generated. Using information provided by the Institute of Transportation

Engineers, it is estimated that the proposed addition will add 28 vehicle trips per day to the site. During peak usage on Saturdays an estimated 31 vehicle trips are expected.

Additional seating that will be provided by the building addition is estimated by the owners to be 40 to 50. A parking space agreement has been signed by the adjacent property owner, Elmer R. Chilton, allowing Olde Towne Steak and Seafood to utilize ten parking spaces for patrons. The Zoning Ordinance requires one parking space per every 4 seats. Using this information, staff recommends that the additional seating be limited to 40 for compliance with the Zoning Ordinance parking requirements.

Directional lighting is currently provided at the restaurant entrance and will continue to be utilized to illuminate the entry.

The same wall mounted signage currently used will be relocated to the face of the addition along Princess Anne Street improving visibility.

With the building addition the restaurant will be situated on two different parcels requiring a lot consolidation.

While the building to lot size ratio leaves little area for landscaping, 2691 square feet of land will be added to the site requiring 807 square feet of open space. A landscape plan has not been submitted with this application however, in order to meet the required open space, staff suggests that landscaping be provided between the rear of the building and Caroline Street but not extend into the existing parking area.

A drywell infiltration facility is proposed for stormwater management in order to mitigate the increased impervious area. The location on the site is an open area near the proposed building addition to cover the additional stormwater drainage that will be created by the new roof.

#### **Off-site parking**

Zoning Ordinance Section 78-112 requires:

4. All off-street parking spaces appurtenant to any use other than a residential use permitted in any R district shall be provided on the same site as the use to which the space is appurtenant, except where practical difficulties prevent such location of where the public safety or the public convenience require another location. In such cases, the City Council may authorize a special permit for alternative or cooperative parking arrangements, subject to the following conditions:

- a. **An alternative location shall be in the same ownership as that of the land on which the use is located.**

The proposed off-site parking location is owned by Elmer R. Chilton.

- b. **A cooperative location, which provides parking for two or more uses, shall be in the ownership of at least one of the participants, and shall have combined parking space equal to the sum required for the separate uses, except that the amount of space may be reduced by reason of different hours of activity among the various uses, and shall be subject to such arrangements as will guarantee the permanent availability of such space.**

The Olde Towne Paint and Glass business contains 2160 square feet of floor area, requiring 9 parking spaces for patrons, the parking lot contains 20 parking spaces.

A comparison of the operating hours for Olde Towne Paint and Glass and Olde Towne Steak and Seafood shows very little overlap:



Olde Towne Paint and Glass	Monday-Friday 7 am – 5 pm	Saturday 8 am - noon	Sunday closed
Olde Towne Steak and Seafood	Tuesday – Friday 4 pm – 9 pm	Saturday 4 pm – 9 pm	Sunday 4 pm – 9 pm

**c. The entrance to an alternative or cooperative location shall be within 500 feet walking distance of the entrance to the use such location serves.**

Although the proposed shared parking spaces are immediately adjacent to the applicant's property line, staff recommends that the 5' setback between the addition and the neighboring property line be improved with a sidewalk for the convenience of the patrons.

Staff recommends that the Planning Commission recommend approval of both SUPs with the following conditions:

1. Additional seating for the restaurant shall be limited to no more than 40 seats.
2. The proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
3. A lot consolidation for tax map # 25-1610 and 25-1611 be recorded before construction of the addition commences.
4. 30% open space shall be provided on the consolidated lot.
5. A sidewalk be installed on the applicant's property to run from the off-site parking area toward the Princess Anne Street sidewalk to service walking traffic to and from the restaurant.

Dr. Gratz asked what assurances the City has that the parking agreement will remain available and what happens if the property where the parking will be located is sold or the agreement not renewed.

Mr. Ocel said that if the property owner decides not to renew the parking agreement with Olde Towne Steak and Seafood, or the property is sold, the restaurant would not be able to utilize the additional seating that is proposed until they secure parking or another parking agreement with someone within 500 feet of the establishment.

Mr. McAfee said he is aware of parking agreements for merchants located in the downtown area and asked if the conditions are similar to the subject request.

Mr. Ocel said yes, there are a few cases with similar conditions. He added that he and the Zoning Officer keep track of the parking agreements.

Mr. Whelan confirmed that these are not recorded easements.

Mr. Ocel said that Mr. Whelan is correct. He said they are binding agreements of the Special Use Permit approval.

Mr. Ramoneda asked if the parking requirements are based on the number of patrons or the number of patrons and personnel.

Mr. Ocel said the parking is based on seating – 1 parking space per 4 seats.

Mr. Whelan asked where the landscaping requirement suggested by staff would be located.

Ms. Ward said it would be between the back of the restaurant and the residential dwelling on Caroline Street.

Ms. Bea Paolucci, 1500 Caroline Street, said she was speaking on behalf of Dr. and Mrs. Brock of 1603 Caroline Street and thanked the Commission for continuing the public hearing until May. She said that Dr. Brock was not notified of the meeting nor were his neighbors, therefore the application is not complete. Also, she said, a couple of residents on Princess Anne Street did not receive the required notification.

Ms. Paolucci said, on behalf of herself, that she has many concerns relating to the landscaping and the parking for the proposed new addition and parking lot. However, she said, she will reserve her comments until the May meeting when she has had a chance to gather additional information.

There were no other comments on this item.

Mr. Harding, applicant, said he believes the addition will enhance the look of the neighborhood as the empty lot now is a magnet for trash, etc. He said he has been at this location for 27 years and believes he has been a good neighbor and has a nice clientele. He said he also agrees to all of staff's conditions or recommendations.

#### **OTHER BUSINESS**

**9. Minutes:** The March 25, 2009 Planning Commission Minutes were approved as submitted.

#### **10. Planning Commission Comments:**

Mr. McAfee thanked staff for providing the color site maps and noted that they are very helpful. He said he hopes that staff will continue to provide colored maps in the future.

Mr. McAfee asked that staff provide Commissioners with a reminder of meetings and worksessions. He suggested that a simple e-mail be provided the day before each meeting as the reminder. Staff agreed.

Mr. Whelan asked if the Kensington subdivision request that was before them tonight is an example of what may be done administratively in the future.


Mr. Ocel subdivisions that staff may handle administratively in the future are ones such as a single lot being subdivided into two or three lots, not ones as large as Kensington, which also has a special use permit attached to the project.

#### **11. Staff Comments:**

Mr. Ocel reminded Commissioners of the April 29<sup>th</sup> worksession, which is scheduled immediately following the regular 4:00 meeting. He said he would be sending out information before the worksession regarding the LID ordinance; backup material, etc. Also he said he would like to provide a draft ordinance/language for the mixed-use in neighborhoods issue for that meeting.

Mr. Ocel noted that the Planning Department has received 5 – 6 applications for the May Public hearing – most notable St. Mary's Catholic Church. He noted that the College Heights neighborhood will be out in numbers for this meeting.

**Meeting Adjourned**

  
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Edward F. Whelan, III, Chair

